

COHEN & GREEN

December 27, 2022

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. As directed by the Court (Dkt. No. 43), I write jointly with counsel for Defendants to provide a monthly status report.

Plaintiff served discovery demands on October 27, and Defendants served their demands on November 18. The parties have consented to matching, consent extension of time to respond to requests, and Defendants' responses are currently due tomorrow, December 28, 2022 (with Plaintiffs' due 22 days thereafter, on Thursday, January 19, 2023). Related to the briefing schedule below, the parties have informally agreed to hold any deficiency motion practice in discovery until after the motion to dismiss is decided, given that the Court has divided discovery into two phases.

As far as settlement is concerned, as noted in the previous letter, the Court held a preliminary, confidential settlement discussion on November 3, and Plaintiff served a formal demand that evening. Nothing further has taken place, and the parties believe a further conference would be premature at this time.

Finally, as far as the motion to dismiss, the motion is fully briefed, and Plaintiff has requested oral argument (with a request to allow a law student to argue a major portion of the motion) as noted at Dkt. No. 65. If the Court does not require oral argument, the motion is fully submitted – and if it elects to have oral argument, the motion will be fully submitted thereafter.

As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/ Pronouns: Mx., they/ their/ them

COHEN & GREEN P.L.L.C.

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cc:
All relevant parties by electronic filing.